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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,514	01/23/2001	John Derek Guest	BWT0061	3403

7590 09/11/2002
BAKER & DANIELS
Suite 800
111 East Wayne Street
Fort Wayne, IN 46802

EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,514

Applicant(s)

GUEST, JOHN DEREK

Examiner

David E. Bochna

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "The disclosure relates to" should be removed from the abstract.

2. The abstract of the disclosure is objected to because the word "plastics" should instead read "plastic". Correction is required. See MPEP § 608.01(b).

Claim Objections

3. Claim 1 is objected to because of the following informalities: "plastics" should be "plastic". Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 8, it is unclear if "another component" is different from "another component" recited in line 3.

Claims 1 and 8, it is unclear what is meant by "extending proud" and "projecting proud".

Claim 3, line 4, it is unclear if "a component" is different from "another component" recited in claim 1.

Claim 4, lines 7-8, it is unclear if "a length of tubing" is different from "a length of tubing" recited in lines 2-3.

Claim 8, line 6, it is unclear if "a component" is different from "an encircling component" recited in line 3 of claim 6.

Claim 11, line 4, it is unclear if "a component" is different from "another component" recited in claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bertling et al.

In regard to claim 1, Bertling et al. discloses a molded plastic tubular coupling 10 having a cylindrical surface 16 to engage with a corresponding surface of another component 18, the surface 16 having an annular recess 26 therein and a flexible annular diaphragm 28

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formed in the recess integrally with the coupling and having an outer periphery extending proud of the cylindrical surface to engage and grip the corresponding surface of another component 18.

In regard to claim 2, the annular recess 26 in the cylindrical surface of the coupling is V-shaped and the flexible diaphragm is formed at the apex of the V to be able to flex towards either side of the V when the coupling is engaged with another component.

In regard to claim 3, the recess 26 and diaphragm 28 are formed on the outer cylindrical surface of the coupling to engage an inner surface of a component 18 to encircle the coupling.

In regard to claim 4, the coupling is intended to receive an end of a length of tubing 18, wherein the coupling has a sleeve portion 16 having the recess 26 and diaphragm 28 formed around the outer surface of the sleeve portion partway along the sleeve; a tapered portion at one end (curved section of 16 leading up to where 26 and 28 are located on 16) of the sleeve to facilitate insertion of the sleeve into an end of a length of tubing 18 and an end stop 14 at the other end of the sleeve to limit the insertion of the sleeve into the tube.

In regard to claim 5, the end stop 14 comprises an annular head formed at the other end of the sleeve projecting outwardly of the sleeve.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 6-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertling et al. in view of Yokomatsu et al. Bertling et al. discloses a coupling as described above. However, Bertling et al. does not disclose that the head is formed with an encircling groove or O-ring to grip/seal with an encircling component. Yokomatsu et al. teaches providing a coupling 24 with a head 24a having a groove and O-ring 29 so that the head can seal with an internal bore of another body 22 surrounding the coupling head. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the head of Bertling et al. to include a groove and O-ring, as taught by Yokomatsu et al., in order to create a better seal between the outer surface of the head and a body surrounding the coupling head.

10. Claims 8-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertling et al. in view of Dlouhy. In regard to claim 8, Bertling et al. discloses a coupling as described above. However, Bertling et al. does not disclose that the outer surface of the head has a diaphragm. Dlouhy teaches providing multiple integral diaphragms 30A-G on the outer surface and head 34B of a coupling 21 in order to create a coupling that can create a tight seal between itself and another component 13 of varying sizes. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the annular recesses and diaphragms of Bertling et al. as to be included on the head as well as the cylindrical surface, as taught by Dlouhy, so that the coupling could be used to make a tight connection in components of various sizes.

In regard to claims 9-12, Dlouhy also teaches applying numerous diaphragms 30A-30E on the cylindrical surface where the second annular diaphragm 30C projects marginally above the first diaphragm 30A and is formed between the first recess 30A and the head 34B in order to

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create a wedge interference fit when the coupling 21 is inserted into the component 13, thereby making a more secure connection between the mating components. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the annular recesses and diaphragms of Bertling et al. to include multiple diaphragms which increased in length, as taught by Dlouhy, in order to create a more water tight connection between the mating components.


Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Guest, Topf, Jr., Baron et al., Sadler, and Main all disclose similar couplings common in the art.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
September 6, 2002